

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

MATTHEW D. CLAUSSEN, <i>et al.</i> ,	)	
Plaintiffs,	)	
	)	
v.	)	Cause No.: 2:15-CV-52-PPS-PRC
	)	
MICHAEL R. PENCE, as Governor of	)	
the State of Indiana, <i>et al.</i> ,	)	
Defendants.	)	

**OPINION AND ORDER**

This matter is before the Court on Plaintiffs’ Motion for Leave to File Second Amended Complaint [DE 26], filed on May 15, 2015. No response has been filed, and the time to do so has passed. Two of the plaintiffs in this case (John McDaniel and Donald Huddleston) ask to be dropped from this case as they believe their claims are now moot.

While most circuits recognize amendment under Federal Rule of Civil Procedure 15 as an acceptable means of adding or dropping parties, *see Galustian v. Peter*, 591 F.3d 724, 730 (4th Cir. 2010) (collecting cases); 6 Charles Alan Wright & Arthur Miller, *Federal Practice and Procedure* § 1479 (3d ed.), the Seventh Circuit Court of Appeals has held that a court order under Rule 21 is required “to add or drop parties.” *Ed Miniat, Inc. v. Globe Life Ins. Grp., Inc.*, 805 F.2d 732, 736 (7th Cir. 1986) (footnotes omitted); *see also Rauner v. Am. Fed’n of State, Cnty., & Mun. Employees, Council 31, AFL-CIO*, No. 15 C 1235, 2015 WL 2385698, at \*3 (N.D. Ill. May 19, 2015). The Court thus construes this motion as seeking relief under both Rule 15 and Rule 21. The Court finds the matter well taken and thus **GRANTS** Plaintiffs’ Motion for Leave to File Second Amended Complaint [DE 26], **DROPS** Plaintiffs McDaniel and Huddleston, and

**ORDERS** the remaining Plaintiffs to file their Second Amended Complaint no later than **June 12, 2015**.

Moreover, it now appears that the Court improvidently denied Plaintiffs' first Motion to Amend Complaint [DE 14] insofar as a court order was needed in order for Plaintiffs to swap Defendants. No party has objected to that amendment, however, and the Court, pursuant to Rule 21 now **ORDERS** that the two original Defendants (the State of Indiana and the Indiana State Board of Accounts) are **DROPPED** and that the new Defendants (Michael R. Pence, Paul Joyce, Mike Bozyski, and Tammy White) are **ADDED** to this case. This substitution applies retroactively to **April 22, 2015**.

SO ORDERED this 8th day of June, 2015.

s/ Paul R. Cherry  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT